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*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Mr. Walter L. Pforzheimer

DATE: 25 April 1952

FROM :

25X1A

SUBJECT: Revision to Whitten Rider

OGC HAS REVIEWED.

1. I am in receipt of a written request from the Personnel Director for an opinion concerning the applicability of Section 13.10(d) to the Agency and the operating responsibilities of the Personnel Office in meeting whatever obligations are imposed by said section.
2. As indicated to you in a previous memorandum, in the absence of some legislative history or non-applicability, by implication, the aforesaid section appears to be applicable to CIA. Said section requires that each executive agency shall:
  1. "Review all positions which, since September 1, 1950, have been created or placed in a higher grade or level of activity and responsibility of work or on a higher pay level,
  2. Abolish all such positions which are found to be unnecessary,
  3. With respect to such positions which are found to be necessary, make such adjustments as may be appropriate ....in the basic pay level of those positions which are not subject to other pay-fixing authority."
3. Following this is a further requirement for the submission of reports to the Post Office and Civil Service Committees and Appropriation Committees of the Senate and House of Representatives concerning the action taken thereunder. A further requirement is a comparative analysis of total employees on the payroll as of a specific date and total employees on the payroll as of a specific prior date; said information to be included in each annual and supplemental budget estimate, among other things.

4.

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Whether this would offend the sensitivity of the committees is a matter for consideration and presumably some accord should be reached on this matter. A somewhat similar problem confronts the Comptroller in the submission of the information required in the annual and supplemental budget estimates. Presumably, the Comptroller is aware of this in his contacts with the Bureau of the Budget.

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5. Since the Whitten Rider is under amendment at this time, I have informed the Personnel Director that it would be more logical to respond to his inquiry as of the time the new Whitten Rider is discharged from the committees.

6. It is obvious that the more questions that are raised in connection with the Whitten Amendment and answered affirmatively, the more unassailable ~~their~~ position becomes in the construction of the statute.

OR

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OGC/JBK:imm

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